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SENATE BILL 76

**48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007**

INTRODUCED BY

Cynthia Nava

FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE

AN ACT

RELATING TO PUBLIC SCHOOLS; CREATING THE NEW MEXICO SCHOOL FOR THE ARTS AS A CHARTER SCHOOL, WHICH WILL BE A STATEWIDE RESIDENTIAL HIGH SCHOOL FOR GRADES NINE THROUGH TWELVE; EXEMPTING THE SCHOOL FROM CERTAIN PROVISIONS OF THE CHARTER SCHOOLS ACT; SPECIFYING TO WHOM THE CHARTER APPLICATION SHALL BE SUBMITTED; PROVIDING FOR ADMISSIONS CRITERIA; PROVIDING FOR ROOM AND BOARD FEES; PROVIDING FOR PLANNING AND OUTREACH ACTIVITIES; PROVIDING FOR DEADLINES FOR NOTIFICATION AND SUBMISSION OF INITIAL APPLICATION; MAKING AN APPROPRIATION; DECLARING AN EMERGENCY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the Public School Code is enacted to read:

"[NEW MATERIAL] SHORT TITLE.--This act may be cited as the

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1 "New Mexico School for the Arts Act"."

2 Section 2. A new section of the Public School Code is  
3 enacted to read:

4 "[NEW MATERIAL] PURPOSE.--The purpose of the New Mexico  
5 School for the Arts Act is to establish the New Mexico school  
6 for the arts as a statewide, residential charter high school to  
7 provide New Mexico students who have demonstrated artistic  
8 abilities and potential with expanded opportunities to pursue a  
9 career in the arts. The school shall offer intensive  
10 pre-professional and professional instruction in the performing  
11 and visual arts combined with a strong academic program leading  
12 to a high school diploma."

13 Section 3. A new section of the Public School Code is  
14 enacted to read:

15 "[NEW MATERIAL] SCHOOL EXEMPT FROM CERTAIN PROVISIONS OF  
16 THE CHARTER SCHOOLS ACT.--The New Mexico school for the arts is  
17 subject to all provisions of the Charter Schools Act except  
18 Subsection K of Section 22-8B-4 NMSA 1978 and Section 22-8B-4.1  
19 NMSA 1978. The New Mexico school for the arts shall not charge  
20 tuition except as otherwise provided in the Public School  
21 Code."

22 Section 4. A new section of the Public School Code is  
23 enacted to read:

24 "[NEW MATERIAL] CHARTER APPLICATION.--The charter  
25 application for the New Mexico school for the arts shall be

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1 submitted to the commission as provided in the Charter Schools  
2 Act and subject to the provisions of Section 3 of the New  
3 Mexico School for the Arts Act."

4 Section 5. A new section of the Public School Code is  
5 enacted to read:

6 "[NEW MATERIAL] ADMISSIONS CRITERIA.--

7 A. The governing body of the New Mexico school for  
8 the arts shall establish admissions criteria designed to admit  
9 students who show exceptional talent, promise or aptitude in  
10 the arts and an interest in pursuing a career in the arts.  
11 Students shall be considered for admission regardless of their  
12 opportunity to obtain training prior to admission.

13 B. The governing body shall ensure, to the greatest  
14 extent possible and without jeopardizing admissions standards,  
15 that an equal number of students is admitted to the school from  
16 each of the state's congressional districts.

17 C. In order to acquaint potential students with the  
18 programs offered by the school, the school shall conduct  
19 outreach activities throughout the state. The outreach  
20 activities shall include summer arts programs for middle school  
21 students, workshops for teachers and programs suitable for  
22 elementary school students. There shall be no admissions  
23 criteria established for participation in outreach activities.

24 D. The school shall be subject to all federal and  
25 state laws and constitutional provisions prohibiting

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1 discrimination on the basis of disability, race, creed, color,  
2 gender, national origin, religion, ancestry or need for special  
3 education services."

4 Section 6. A new section of the Public School Code is  
5 enacted to read:

6 "[NEW MATERIAL] ROOM AND BOARD--CHARGES--STATE  
7 PAYMENTS.--The New Mexico school for the arts shall charge  
8 residential students a fee to cover the costs of room and  
9 board. The governing body of the school shall establish a  
10 sliding-fee scale based on the student's ability to pay. The  
11 department shall approve room and board charges and the  
12 sliding-fee scale prior to implementation. The state shall  
13 reimburse the school for the difference between the actual  
14 revenue received from students and the total cost of room and  
15 board calculated by multiplying the average cost of room and  
16 board at the state's post-secondary educational institutions  
17 enumerated in Article 12, Section 11 of the constitution of New  
18 Mexico, including the New Mexico military institute, by the  
19 full-time-equivalent number of students residing at the school.  
20 The department shall provide an estimate to the legislative  
21 education study committee and to the legislative finance  
22 committee by November 30 of each year regarding the difference  
23 between the projected cost of room and board for the succeeding  
24 school year and the projected revenue from the fee charged to  
25 students."

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1           Section 7. TEMPORARY PROVISION--PLANNING AND OUTREACH  
2           ACTIVITIES--DEADLINES FOR NOTIFICATION AND SUBMISSION OF  
3           INITIAL APPLICATION.--

4           A. The governing body of the New Mexico school for  
5           the arts shall, in consultation with the public education  
6           department and the higher education department, conduct  
7           planning and outreach activities during school years 2006-2007  
8           and 2007-2008 in preparation for the school to open for the  
9           2008-2009 school year.

10          B. Notwithstanding the deadline established in  
11          Subsection B of Section 22-8B-6 NMSA 1978, at least ninety days  
12          prior to initial application, the organizers of the New Mexico  
13          school for the arts shall provide written notification of  
14          intent to establish a charter school to the public education  
15          commission and the school district in which the school is  
16          proposed to be located.

17          Section 8. APPROPRIATION.--Seven hundred fifty thousand  
18          dollars (\$750,000) is appropriated from the general fund to the  
19          public education department for expenditure in fiscal years  
20          2007 and 2008 to provide financial support for initial start-up  
21          costs, including planning and outreach activities, for the New  
22          Mexico school for the arts. The department may use up to three  
23          percent of the appropriation for administrative costs. Any  
24          unexpended or unencumbered balance remaining at the end of  
25          fiscal year 2008 shall revert to the general fund.

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